

1 ROBERT W. FREEMAN  
Nevada Bar No. 03062  
2 [Robert.Freeman@lewisbrisbois.com](mailto:Robert.Freeman@lewisbrisbois.com)  
FRANK A. TODDRE, II  
3 Nevada Bar No. 11474  
[Frank.Toddre@lewisbrisbois.com](mailto:Frank.Toddre@lewisbrisbois.com)  
4 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
6385 S. Rainbow Boulevard, Suite 600  
5 Las Vegas, Nevada 89118  
702.893.3383 /FAX: 702.893.3789  
6 *Attorneys for Defendant*  
*State Farm Mutual Automobile Insurance*  
7 *Company*

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 ASHLEY WINN;

11 Plaintiff,

12 vs.

13 SHELTER MUTUAL INSURANCE  
COMPANY; STATE FARM MUTUAL  
14 AUTOMOBILE INSURANCE COMPANY;  
and DOES I through X, and ROE Corporations  
15 I through X, inclusive,

16 Defendants.

CASE NO.: 2:22-cv-1441-JCM-BNW

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**[SIXTH REQUEST]**

17  
18 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of  
19 record, hereby stipulate and request that this Court extend discovery in the above-captioned case  
20 by seventy-five (90) days, up to and including September 23, 2024. In addition, the parties  
21 request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order  
22 be extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as  
23 follows:

24 **DISCOVERY COMPLETED**

- 25 1. On November 16, 2022, the parties conducted an initial FRCP 26(f) conference.  
26 2. On February 24, 2023, Plaintiff served written discovery on Defendant State  
27 Farm. State Farm served its Responses on April 13, 2023.  
28 3. On February 24, 2023, Plaintiff served her FRCP 26 Initial Disclosures.

4. On January 23, 2023, Defendant State Farm served its FRCP 26 Initial Disclosures.
5. On March 2, 2023, Defendant Shelter served its FRCP 26 Initial Disclosures.
6. On March 2, 2023, Plaintiff filed her FRCP 26.1 Initial Disclosures.
7. On April 12, 2023, Defendant Shelter served their responses to Plaintiff's First Request for Production.
8. On April 13, 2023, Defendant State Farm failed their Responses to Plaintiff's First Request for Production.
9. On May 1, 2023, Plaintiff filed her Answer to Defendant State Farm's First Set of Interrogatories, and Defendant State Farm's First Set of Request for Production.
10. On May 17, 2023, Plaintiff filed her supplemental Answers to Defendant State Farm's First Set of Interrogatories, and Supplemental Responses to Defendant State Farm's First Set of Request for Production.
11. On July 5, 2023, Defendant Shelter filed their First Set for Interrogatories and Request for Production to Plaintiff.
12. On September 14, 2023, Plaintiff filed her responses to Defendant Shelter Insurance's First Set of Interrogatories and Shelter Insurance's First Set of Requests for Production.
13. On October 12, 2023, Defendant Shelter filed their First Supplemental Disclosure Pursuant to FRCP 26(a)(1).
14. On October 13, 2023, the deposition of Plaintiff Ashley Winn took place.
15. On October 23, 2023, Defendant State Farm served their FRCP 26 First Supplemental List of Witnesses and Documents.
16. On October 31, 2023, Plaintiff served her First Supplement to FRCP 26 Production.
17. On December 12, 2023, Plaintiff served her Second Supplement to FRCP 26 Production.
18. On January 30, 2024, Plaintiff served her First Set of Interrogatories on Defendant State Farm. State Farm served their Answers on February 14, 2024.
19. Also on January 30, 2024, Plaintiff served her First Set of Interrogatories on

Defendant Shelter.

20. On February 13, 2024, Defendant State Farm served their FRCP 26 Amended Second Supplemental List of Witnesses and Documents.

21. On February 22, 2023, Defendant State Farm served their FRCP 26 Third Supplemental List of Witnesses and Documents.

22. On February 26, 2024, the deposition of Amand Fauch took place.

23. On February 27, 2024, the deposition of Lia Wright took place.

24. On February 29, 2024, Defendant Shelter served their FRCP 26 Second Supplemental Disclosures.

25. Also on February 29, 2024, Defendant Shelter served their Answers to Plaintiff's First Set of Interrogatories.

26. On March 2, 2023, Defendant Shelter served their FRCP 26 Initial Disclosures.

27. On March 20, 2024, Plaintiff served her Second Set of Requests for Production to Defendant Shelter.

28. On April 8, 2024, at 11:30 am, the deposition of Rikki Simmons was set and parties prepared and arrived, but did not finish due to significant emergency.

29. On April 19, 2024, at 10:00 am, the deposition of Rodney Hernandez took place.

### **DISCOVERY REMAINING**

1. The parties will continue participating in written discovery.

2. Plaintiff will depose State Farm representatives.

a. Holly Spinks scheduled for April 25, 2024 at 10:00 am in Seattle, WA.

b. Paul Fitch scheduled for April 29, 2024 at 1:00 pm. (The parties are likely continuing for logistical purposes, personal conflicts, and to possibly move from Spokane to Seattle)

c. Daniel Mayes scheduled for April 30, 2024 at 10:00 am in Seattle, WA.

d. Joe Hooker (The parties are currently working on time in Mid May, to occur near Chicago, IL)

e. Rikki Simmons (To be rescheduled due to emergency)

1           3.     Expert disclosures and depositions.

2           4.     Rebuttal disclosures and depositions.

3           5.     Further, any appropriate discovery may also need to be conducted, including  
4           additional written discovery and/or depositions of percipient witnesses.

5           6.     Any and all discovery required as permitted by the Federal Rules of Civil  
6           Procedure.

7           **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

8           The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following  
9           requested extension. This Request for an extension of time is not sought for any improper purpose  
10          or other purpose of delay. Rather, the parties seek this extension solely for the purpose of  
11          allowing sufficient time to conduct discovery.

12          The parties have been diligent in moving the case forward: participating in a reasonable  
13          amount of discovery, including exchanging their initial lists of witnesses and documents;  
14          propounding written discovery requests and preparing responses thereto; records procurement; and  
15          preparing for Plaintiff's deposition.

16          The deposition of Rikki Simmons was set on April 8, 2024 and the date of Attorney  
17          Dennis Prince's murder. Attorney John Keating's brother in law works for Dennis Prince Law  
18          Group and was missing for an hour, which constituted a significant family emergency. The  
19          emergency cut the deposition short, and the deposition needs to be re-scheduled.

20          Additionally, the deposition of Paul Fitch, currently set in Spokane, may be re-scheduled  
21          by agreement of the parties. Attorney Frank Toddre has a funeral that interferes with the current  
22          date and cannot get to Spokane in time to defense the deposition in person. The parties are  
23          discussing new dates or attempting to work with Mr. Fitch to travel to Seattle for the deposition.

24          The parties will additionally be participating in a meet and confer to work out issues  
25          regarding attorney-client defenses involved with the State Farm employee depositions.

26          Due to the delays mentioned above, Plaintiff's counsel needs additional time to complete  
27          the above depositions of State Farm and Defendants' FRCP 30(b)(6) witness (if necessary).

28          Lastly, the current deadline for expert disclosures is May 10, 2024. Operationally, the

1 various claims handling experts require time to review the deposition transcripts for their reports  
2 The current discovery schedule does not allow for this to take place, or would require post  
3 deadline supplementation.

4 In an effort to accommodate all counsel and parties, all parties have agreed to extend the  
5 deadlines another seventy-five (75) days so that the required discovery can be conducted in the  
6 proper sequence and consistent with the availability of multiple counsel in the case.

7 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs  
8 modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or  
9 motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than  
10 twenty one (21) days before the expiration of the subject deadline and must comply fully with LR  
11 26-3. This stipulation is made more than 21 days before the expiration of any deadlines.

12 This is the sixth request for extension of time in this matter. The parties respectfully  
13 submit that the reasons set forth above constitute compelling reasons for the short extension. The  
14 parties do not anticipate any more significant writing discovery or document productions. The  
15 deadline to amend pleadings has passed and the parties are not requesting that deadline be  
16 reopened.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Thursday, July 9, 2024</i>	<i>Monday, September 23, 2024</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>Friday, May 10, 2024</i>	<i>Monday, August 5, 2024</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Monday, June 10, 2024</i>	<i>Monday, August 26, 2024</i>
Dispositive Motions	<i>Thursday, August 8, 2024</i>	<i>Tuesday, October 22, 2024</i>
Joint Pretrial Order	<i>Monday, September 9, 2024</i>	<i>Monday, November 25, 2024</i>  <i>If dispositive motions are pending, then the parties will serve their Joint Pretrial Order within thirty days of the Court's order as to the parties' dispositive motions.</i>

///

///

///

///

///

///

///

///

///

///

///

///

///

///

WHEREFORE, the parties respectfully request that this Court extend the discovery period by seventy-five (75) days from the current deadline of July 9, 2024, up to and including September 23, 2024, and the other dates as outlined in accordance with the table above.

Dated this 22nd day of April, 2024.

Dated this 22nd day of April, 2024.

LEWIS BRISBOIS BISGAARD &  
SMITH LLP

VANNAH & VANNAH

/s/ Frank A. Toddre, II

/s/ Robert D. Vannah

Robert W. Freeman, Esq.

Robert D. Vannah, Esq.

Nevada Bar No. 3062

Nevada Bar No. 2503

Frank A. Toddre, II, Esq.

John B. Greene, Esq.

Nevada Bar No. 11474

Nevada Bar No. 004279

6385 S. Rainbow Boulevard, Suite 600

400 South Seventh Street, Fourth Floor

Las Vegas, Nevada 89118

Las Vegas, Nevada 89101

*Attorneys for State Farm Mutual Automobile  
Insurance Company*

and

Bruce D. Schupp, Esq.

Nevada Bar No. 1458

LAW OFFICES OF BRUCE D. SCHUPP

1120 N. Town Center Drive, Suite 140

Las Vegas, Nevada 89144

and

Brice J. Crafton, Esq.

Nevada Bar No. 10558

DEAVER & CRAFTON

810 E. Charleston Blvd.

Las Vegas, Nevada 89104

*Attorneys for Plaintiff*

Dated this 22nd day of April, 2024.

KEATING LAW GROUP

/s/ John T. Keating

John T. Keating, Esq.

Nevada Bar No. 6373

9130 W. Russell Road, Suite 200

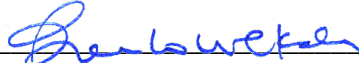
Las Vegas, NV 89148

*Attorney for Defendant Shelter Mutual  
Insurance Company*

**ORDER**

IT IS SO ORDERED.

DATED this 23 day of April, 2024.

  
UNITED STATES MAGISTRATE JUDGE